

IN THE SENATE OF THE UNITED STATES.

APRIL 1, 1858.—Ordered to be printed.

Mr. IVERSON submitted the following

REPORT.

The Committee on Claims, to whom was referred the petition of the heirs of Jabez B. Rooker, report:

Mr. Rooker appears to have been employed as clerk in the office of the Commissioner of Public Buildings from 1836 to 1850. Prior to March, 1843, he appears to have been paid for his services out of such funds as the Commissioner had within his control, and at such rate as the Commissioner deemed proper, being no law recognizing the service or fixing the compensation. The rate allowed varied from \$900 to \$1,250 per annum. In 1843 Congress passed "an act to fix the compensation of the Commissioner of Public Buildings," the second section of which prescribes "that no portion of the appropriation for public buildings and grounds, or any improvement or alteration of the same, shall be applied to the payment of a clerk or clerks in the office of said Commissioner, or of an architect, unless the same be expressly provided for in the act."—(5 Stat., 610.)

Mr. Rooker still remained in the office, and in the discharge of the duties of clerk, as appears from the statement of Commissioner French and others, until the beginning of 1851, although no appropriation was made for his compensation, and although Congress had expressly prohibited the Commissioner from paying for such services out of the public moneys committed to his charge.

In 1852 Congress allowed the Commissioner a clerk, at \$1,000 per annum.

At the last Congress the heirs of Mr. Rooker petitioned for the allowance of his salary for the period above stated, from 1843 to 1851, at the rate of \$1,250 per annum, and an act was passed, upon the recommendation of the Committee on Claims, directing the accounting officers of the Treasury to settle the claim, and to allow at the rate of \$900 per annum for time he was actually employed, deducting all sums paid to him for his services during the said period. In the execution of this act the accounting officers appear to have allowed the salary for the full period claimed, but deducted the sum of \$929 50,

(\$622 for money paid Mr. Rooker by the Commissioner out of his private funds, and \$307 50 which he received as supernumerary police officer at the Capitol.)

The petitioners now ask the allowance of the sum so deducted, and an additional allowance of \$350 per annum. Upon a revision of the case, this committee is of opinion that the sums above named were properly deducted, and that the rate of compensation allowed was, under all the circumstances, a liberal one; and in accordance with these views the following resolution is submitted :

Resolved, That the prayer of the petitioners ought not to be granted.